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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/532,654

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Bruce Archibald Short

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EXAMINER

BEACH, THOMAS A

ART UNIT

PAPER NUMBER

3671

MAIL DATE

DELIVERY MODE

12/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/532,654	Applicant(s) SHORT, BRUCE ARCHIBALD	
	Examiner THOMAS A. BEACH	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11, 14-18 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Barden 6,058,633. Barden shows apparatus for connecting an implement to a prime mover, the apparatus including a connector 18 that is mountable on the prime mover 17 and has at least one recess 22 for receiving a connecting pin 26 mounted on the implement 12 to enable the connector to engage the implement, retaining means 30 provided to, in use, hold the implement 12 on the connector (via element 19); and, means provided for, in use, mounting on the connector a retaining element 32 (considered a locking pin extended and/or withdrawn by a ram 52 because pin 56; claims 14-15) positioned so that a head 40 of the retaining element serves to retain the connecting pin in the recess, in the event of a failure or removal of the retaining means 30, wherein dimensions of the retaining element 32 and the formation are such that there is a clearance between the head and the connecting pin which clearance is reduced when the retaining element is rotated after the tail portion has been inserted in the formation (claim 3).

As concerns claim 2, Barden shows the retaining element has a tail portion 56 connected to the head 40 and the connector has a formation in which the tail portion can be inserted (into element 36 of 32) and which serves to secure the retaining element on the connector with the head of the retaining element projecting into the recess adjacent the connecting pin.

As concerns claim 4, Barden shows the tail portion and the formation have a common axis about which the tail portion is rotated (fig 1).

As concerns claim 5, Barden shows at least a portion of the head is larger than the formation so that the head is unable to enter the formation (fig 2).

As concerns claim 6, Barden shows the head has a face that bears on a face of the connector after the tail portion has been inserted in the formation (fig 2).

As concerns claim 7, Barden shows the face of the connector is at least partly located in the recess (figs 2 & 4).

As concerns claim 8, Barden shows the connector comprises spaced apart side walls joined together by a cross member that is prefabricated and in which the recess is formed before the cross member is joined to the side walls (fig 5).

As concerns claim 9, Barden shows the connector comprises spaced apart side walls joined together by a cross member in the form of a plate that is bent to form the recess before the cross member is joined to the side walls (fig 5).

As concerns claim 10, Barden shows the formation is formed in the cross member before the cross member is joined to the side walls (fig 5).

As concerns claim 11, Barden shows the connector has two recesses 30/32 and the implement mounts two connecting pins 16/18, a first connecting pin being held, in use, in one recess by the retaining means.

As concerns claim 16-18, Barden shows movement of the locking pin is against a spring bias (fig 5) the spring bias urges the locking pin into the extended position or the spring bias urges the locking pin into the withdrawn position.

As concerns claim 19, Barden shows the locking pin has a face that bears on a face of the connector pin when the locking pin is in the extended position (fig 2).

As concerns claim 23, Barden shows the connector has two recesses and the implement mounts two connecting pins, a first connecting pin being held, in use, in one recess and a second connecting pin being held in the other recess by the retaining means, and the locking pin, in use, being positioned so as to be in or adjacent the other recess.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Barden 6,058,633 in view of Essex et al 4,881,867. Barden does not show the connector to include spaced apart side walls joined together by a cross member that is

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prefabricated and in which the recess is formed before the cross member is joined to the side walls, a cross member in the form of a plate that is bent to form before the cross member is joined to the side walls, or the formation is formed in the cross member before the cross member joined to the side walls. However, Essex shows a similar mounting apparatus (fig 3) having a connector, pins 15 and the connector to include spaced apart side walls 8 joined together by a cross member that is prefabricated and in which the recess is formed before the cross member is joined to the side walls, a cross member in the form of a plate that is bent to form before the cross member is joined to the side walls, or the formation is formed in the cross member before the cross member joined to the side walls

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barden, as taught by Essex, to include spaced apart side walls joined together by a cross member for the expected result of improved rigidity of the connection since this type of construction is notoriously well known in the art of excavation couplings.

Response to Arguments

4. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

/Thomas A Beach/
Primary Examiner, Art Unit 3671

December 13, 2008

THOMAS A. BEACH
Primary Examiner
Group 3600